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Discussion on the special theme for the year: "The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)"

Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples

Report of the international expert group meeting

Summary

The present report provides an overview of the issues discussed at the international expert group meeting on the theme "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples", held from 18 to 20 January 2012 at United Nations Headquarters.

It focuses on the conclusions and recommendations of the expert group meeting which, among other things, called upon: the United Nations system, Member States and indigenous peoples' organizations to recognize the rights and special needs of indigenous women and girls; Member States to adopt measures, in conjunction with indigenous peoples, to ensure that indigenous women and girls enjoy the full protection and guarantees against all forms of violence and discrimination; the United Nations system to support efforts and initiatives that provide support and protection to indigenous women and girls; and indigenous communities to consider seriously the problem of violence against indigenous women and girls in their communities through ways that include the recognition and dismantling of existing patriarchal social relations, the elimination of discriminatory policies and a continuous commitment to indigenous women's rights in all indigenous institutions and at all levels.

* E/C.19/2012/1.

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I. Introduction

1. At its tenth session, the Permanent Forum on Indigenous Issues recommended that the Economic and Social Council authorize a three-day international expert group meeting on the theme "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples". At its regular session on 28 July 2011, the Council decided to authorize the international expert group meeting (Council decision 2011/266), including the participation of members of the Permanent Forum, representatives of the United Nations system, other interested intergovernmental organizations, experts from indigenous peoples' organizations and interested Member States. It also requested that the results of the meeting be reported to the Permanent Forum at its eleventh session. The workshop was organized by the secretariat of the Permanent Forum. The agenda and programme of work are attached (see annex I).

II. Organization of work

A. Attendance

2. The following members of the Permanent Forum on Indigenous Issues attended the workshop:

Myrna Cunningham Kain
Megan Davis
Helen Kaljulate
Bertie Xavier

3. The following experts from the United Nations mechanisms on the rights of indigenous peoples attended the workshop:

Professor James Anaya, Special Rapporteur on the rights of indigenous peoples

Vital Bambanze, Chair, Expert Mechanism on the Rights of Indigenous Peoples

4. The following experts participated in the workshop:

Rauna Kuokkanen (Arctic)
Edwina Kotoisuva (Pacific)
Guadalupe Martinez Perez (Central and South America and the Caribbean)
Valeriya Savran (Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia)
Sangeeta Lama (Asia)
Terri Henry (North America)

5. The workshop was attended by observers from Member States; United Nations agencies, funds and programmes; other intergovernmental organizations; indigenous peoples' organizations; and non-governmental organizations. The list of participants is attached (see annex II).

B. Documentation

6. The participants had before them a draft programme of work and documents prepared by the participating experts. The documents for the expert group meeting are attached (see annex III). The documentation is also available on the website of the secretariat of the Permanent Forum (http://social.un.org/index/IndigenousPeoples/MeetingsandWorkshops/2012.aspx).

C. Opening of the meeting

7. At the opening of the expert group meeting, the Director for the Division for Social Policy and Development of the Department of Economic and Social Affairs made a statement welcoming everyone to the meeting. The head of the secretariat of the Permanent Forum on Indigenous Issues then welcomed the regional experts and representatives of the United Nations mechanisms on the rights of indigenous peoples and outlined the objectives of the meeting.

D. Election of officers

8. Myrna Cunningham Kain, the Chair of the Permanent Forum, was elected Chair of the workshop and Megan Davis, member of the Permanent Forum, was elected Rapporteur.

E. Conclusions and recommendations

9. On 20 January 2012, the experts adopted by consensus the conclusions and recommendations contained in section IV below.

III. Highlights of the discussion

10. Participants noted the importance of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples. The article affirms the rights and special needs of indigenous women and children. Under the article, States are required to adopt measures, in conjunction with indigenous peoples, to ensure that women and children enjoy the full protection and guarantees against all forms of violence and discrimination. Such measures include specific laws that are integral to combating violence and discrimination against indigenous women and girls.

11. Article 22 (2) derives its authority from general prohibitions in international law against all forms of violence and discrimination contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Article 22 (2) is also supported in the body of international law pertaining to women-specific and child-specific rights and protections against all forms of violence and discrimination, including the Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women and extensive treaty body comments, including general recommendation No. 19 on violence against women of the Committee on

the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and general comment No. 11 on indigenous children and their rights under the Convention on the Rights of the Child of the Committee on the Rights of the Child.

12. Participants also noted that indigenous girls were an equally important consideration of article 22 (2) and were too readily overlooked in international discussions on violence against women even though, fundamentally, violence against indigenous girls was related to the same norms and practices that caused violence and discrimination against women.

13. Participants heard stories involving violence against indigenous girls and youth in community settings, including child labour, bonded labour, trafficking of young girls for prostitution and domestic work, rape, incest and sexual abuse, violence in situations of armed conflict and militarization, female genital mutilation and forced and early marriages. It was noted that indigenous girls faced rights violations on multiple levels as children in an adult world and as girls in a patriarchal world. The United Nations Inter-Agency Task Force on Adolescent Girls has identified indigenous girls as one of the groups at particularly high risk of experiencing human rights abuses.

IV. Conclusions and recommendations

A. Conclusions

Addressing violence against indigenous women and girls as a human rights issue

14. While there is a voluminous body of literature on indigenous peoples' rights and violence against women in general, there is a lack of literature on violence against indigenous women and girls. There is also a paucity of statistics on the extent of violence against indigenous women and girls, statistics which are critical to the development and implementation of evidence-based policy, law reform and judicial training. There is almost no disaggregated data and few reports on violence against indigenous women and girls in most jurisdictions, including in Africa, Asia, the South Pacific, Latin America and certain parts of the Arctic.

15. There is a need for an indigenous human rights discourse within which concrete circumstances, multiple identities and multiple agendas are recognized and a nuanced articulation of indigenous women's rights can be developed. Moreover, addressing the issue of violence against indigenous women and girls must take place alongside the discussions on the implementation of indigenous peoples' right to self-determination. The process of combating gendered violence must start within indigenous communities and include eliminating interpersonal physical, sexual and psychological violence, and it must replace government policies that have displaced indigenous women from their communities.

16. Workshop participants heard about the limitations of the body of public international law pertaining to the elimination of all forms of violence and discrimination against indigenous women and indigenous children, including the lack of domestic enforcement measures for international instruments, the lack of accessibility to treaty committees and the lack of familiarity with the formal, legalistic requirements of the international human rights framework. Those

challenges are compounded when indigenous women and girls lack education or have low literacy rates. Those obstacles must first be overcome in order for indigenous women and girls to benefit from international human rights law.[1]

17. Combating violence against women and girls in the indigenous context must be achieved holistically and not addressed in isolation from the range of rights recognized for indigenous peoples in general. In that regard, violence cannot be seen as separate from the history of discrimination and marginalization experienced by indigenous peoples as a whole. That history manifests itself in continued troubling structural factors, such as poverty, lack of access to lands and resources and limited access to education and health services. Similarly, violence against indigenous women cannot be separated from the other effects of colonization, which include the breakdown of community structures and cultural authority and the persistence of intergenerational traumas that have led to alcohol- and drug-fuelled violence against indigenous women and girls.

18. Policies based on racism, exclusion and a development approach contrary to the principles of indigenous peoples and fundamental human rights are, in many parts of the world, still in place. These policies continue to be implemented by the State as well as through the multinational corporations that operate on indigenous peoples' territories and extract resources from indigenous lands. Those policies have a detrimental impact on indigenous women and girls.

19. In combating violence, it is important to distinguish gendered forms of violence from general manifestations of violence because if there is no focus on the interpersonal nature of gender violence — between a man and a woman — there will be a failure to address the endemic levels of violence against indigenous women and girls in indigenous communities.

Contextualizing violence

20. Violence against indigenous women and girls, adolescents and youth is political, social, economic, spiritual, physical, sexual, psychological and environmental. It has multiple dimensions: interpersonal and structural, public and private, non-State and State. There are numerous historical and contemporary examples, including sex trafficking, prostitution, bonded labour, the exploitation of overseas contract workers, the internal displacement of women, the disappearance or murder of aboriginal women, witch-hunting or witch-blaming and environmental violence, and cultural practices such as female genital mutilation or cutting, bride price and promised brides as well as racism and discrimination.

21. State violence or structural violence perpetrated by State and non-State actors and corporate actors in the public domain includes militarization and the activities of multinational corporations and extractive industries that operate with impunity on indigenous peoples' territories. Those actors and their activities have a detrimental impact on indigenous women and girls, which manifests itself in sexual assault, sex trafficking, prostitution, bonded labour, the exploitation of overseas contract workers, the internal displacement of women and environmental violence.

22. Interpersonal violence, or violence in the private domain, often involves violence perpetrated by men against women, including spousal violence, sexual

[1] See Rauna Kuokkanen, "Self-determination and indigenous women's rights at the intersection of international human rights", *Human Rights Quarterly*, vol. 34, No. 1 (February 2012).

assault or incest. It is important to recognize that a discussion about gendered interpersonal violence is not only about domestic violence but also about the racialized sexual violence that indigenous women experience, which often goes unreported or underreported as a result of the normalization and condoning of violence against indigenous women in both indigenous communities and society at large. Such violence, and the fact that it is widely ignored, contribute to the dehumanization of indigenous women.

23. Some caution was expressed about the overemphasis on colonization in conversations about addressing violence against indigenous women and girls. There is a stigma about talking about interpersonal violence within indigenous communities. One reason for this is the imposed patriarchal societal practices that render interpersonal physical and sexual violence as belonging to the private domain and thus something that is not discussed in public. It is important to recognize the ways in which the private/public division of the colonizer has been adopted by indigenous communities and how that affected the human rights of indigenous women and girls.

24. While the trauma of colonization explains the reason for such destructive behaviours, it does not mean that indigenous men should not take responsibility for their behaviour.[2] In the end, colonization does not excuse the violence. There is a need to be vigilant against the often-repeated narratives of colonization and its associated trauma that can cause women and girls not to report violence for fear of being ostracized by the community. Such fears compound the already marginalized and vulnerable situation of indigenous women and girls arising from prevailing racist and sexist attitudes among State and public authorities and non-State actors, and explains why there is a chronic underreporting of violence in indigenous communities.

Manifestations of violence

25. Militarization is often accompanied by sexual harassment, forced prostitution and servitude, and sexual violence against indigenous women and girls is used as a counter-insurgency tactic and as a tool to neutralize indigenous opposition, break resistance and weaken indigenous peoples. Sexual violence is being used as a tool or method to quash resistance or force indigenous cooperation. Indigenous women are forced to migrate as a result of armed conflict and the militarization of territories and, in this context, indigenous women suffer from sexual violence, forced impregnation and abandonment, the impact of drug traffic networks, arms trafficking, internal displacement, organized crime and the wide spread of HIV/AIDS.

26. Environmental violence and the lack of accountability of corporations and States on indigenous lands have resulted in devastating health and reproductive impacts, including toxins that are released into the environment and which cause severe and ongoing harm to indigenous women, girls and unborn generations.[3] These toxins included pesticides, mercury, uranium and industrial and military

[2] See Megan Davis, "Aboriginal women and the right to self-determination: a capabilities approach to constitutional reform", PhD dissertation, Australian National University, 2010.

[3] See International Indian Treaty Council, "Indigenous women and environmental violence: a rights-based approach addressing impacts of environmental contamination on indigenous women, girls and future generations", paper submitted at the international expert group meeting on the theme "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples", New York, January 2012.

waste and other persistent organic pollutants. Their production, use, dumping and general proliferation adversely affects the right of indigenous women and girls to free, prior and informed consent, health, well-being, culture, development, food and subsistence, life and security of person.

27. The ecological, economic and spiritual impact of extractive industries affects the rights of indigenous women. In their role as traditional caretakers of the environment, indigenous women are being threatened by policies that deregulate corporate behaviour, destroy subsistence agriculture and other traditional ways of life, deplete non-renewable resources and threaten biodiversity. An example of that was the disproportionate use of indigenous lands as sites for industrial waste, resulting in serious health disorders. It was noted that industries such as extractive industries, monocultural plantations and the nuclear industry have not adopted a gendered approach to their activities, including in their relationships and organizations with indigenous communities. Women need to be considered in the context of the normative framework of free, prior and informed consent.

28. Participants were made aware of sex trafficking in many countries. Indigenous women and girls are being trafficked to metropolitan areas as domestic workers and prostitutes where they face sexual violence in different forms. This raises a host of human rights problems for indigenous women and girls, including the lack of identity or citizenship cards, which means that indigenous women and girls have no access to basic health services, including reproductive health services. The lack of a birth certificate also increases the risk of trafficking, discrimination and violence for indigenous girls and youth. That is further exacerbated by a lack of access to education, health services and the legal system.

29. Customary or traditional law are often used as coercive means of controlling women. Some of the examples shared by experts and participants include the use of dress codes to control what women wear and public punishment of girls who straighten or colour their hair as a coercive way of forcing women to submit to oppressive cultural practices. Technology has also affected some of the customary or traditional methods of controlling women, such as the use of mobile phones to rapidly spread rumours and allegations about sorcery and identify particular women as witches. In understanding violence, the power relationships between men and women in indigenous communities, patriarchy, machismo, male privilege and the loss of the cultural values of reciprocity and duality between man and woman must be considered. It was noted, however, that when examined, some customary or traditional ways and introduced practices emerge as distorted or skewed practices, and that they are misused to justify and militate violence against indigenous women and girls. Participants heard stories about custom being used as a means of excusing the perpetrator.

30. Violence against women is often a consequence of women's exclusion from participation in decision-making. That is significant in the context of free, prior and informed consent by indigenous peoples. If women are excluded from negotiations, whether in relation to the construction of a hydroelectric dam or other resource extraction or in relation to peace or land rights with the State, then the self-determination of indigenous peoples can never be truly achieved. It is necessary for women's participation to be factored into the normative and operational framework.

Issues of jurisdiction and policing

31. Reporting of violence was a significant issue raised in the context of jurisdiction and policing. In many communities, discussion of sexual violence against indigenous women and girls by indigenous men is taboo. The impact of indigenous women and girls reporting violence upon families and communities must be explored because often women are accused of being "disloyal" or "corrupted by Western concepts". In communities where extended family relationships are important and there is a heavy emphasis on maintaining good relations or the concept of keeping the honour of family or clan, extended families can protect perpetrators rather than women who have been victims of violence, rendering the violence invisible and unaddressed. Participants heard cases of indigenous perpetrators who were told to marry the indigenous women they had sexually assaulted as a form of compensation and/or punishment. In addition, indigenous women and girls often face additional barriers in their attempts to report violence to authorities or press charges against perpetrators because, for example, it could mean losing a breadwinner or a main source of subsistence if the man is the one in charge of providing it through traditional livelihoods such as hunting or fishing.

32. The lack of statistics in regard to issues of jurisdiction and policing is an obstacle to developing ways in which communities can work with authorities to deliver appropriate responses to victims of violence. The reported estimates of violence against indigenous women and girls in indigenous communities are widely understood to be underestimated. That is why the process of changing societal attitudes that condone violence and aggression and perpetuate gender injustice is important in indigenous communities. One consequence of the failure to challenge norms of violence in indigenous communities is that indigenous women and girls internalize and reproduce the violence, racism and sexism, and it becomes normalized.

33. Participants drew attention to legal barriers to combating violence against indigenous women and girls and heard examples in which tribal jurisdiction and the authority of tribal courts over certain criminal acts, including violent and sexual crimes against women, was being removed. Conflicting and overlapping levels of criminal jurisdiction undermine indigenous peoples' sovereignty and can act as a barrier to accessing justice. One example of how overlapping jurisdiction might affect accuracy is in the recording of indigeneity and the recording of violence, which often prevented the linkage of data through service systems and therefore create a limited capacity to analyse data.

34. There is a fragmentation of information and communication between public institutions such as the courts and the police and a lack of coordination between communities and policing agencies that undermine long-term investigations. That is especially the case when urban migration and frequent mobility between urban centres and indigenous communities result in the involvement of multiple jurisdictions. A partnership approach between indigenous peoples and policing systems is required in order to adequately combat violence against indigenous women and girls, for example through police investigations into long-term missing persons cases and unsolved murders of indigenous women and girls.

35. Participants heard concerns about some traditional justice systems and the need for these traditional mechanisms to address indigenous women's access to resources, including access to and ownership of land. In addition, there is a need to

strengthen the willingness and ability of traditional justice systems to protect indigenous women and girls from violence, which must include customary courts becoming familiar with the concept of equality found in the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of the Child. There is also a need to ensure that women are allowed to access the formal court system if they choose to pursue that option. In the event that traditional reconciliation has been undertaken, that should not be used as a mitigating factor in formal court decisions where, in some cases, traditional reconciliation practices have been used as a means of excusing the perpetrator.

36. There is often a lack of understanding by both customary courts and mainstream courts about the dimensions of violence against indigenous women and girls. In both customary and mainstream courts there should be better protection of the rights of women's rights defenders. Participants heard many stories about the ways in which women are blamed for the violence perpetrated against them and witness the impunity of perpetrators on the basis of the "breadwinner" argument — that perpetrators should avoid punishment because they are the primary income earner or subsistence provider in a family or community — an argument that is embedded in both formal and informal justice mechanisms. In those circumstances there are limited options for women who wanted to access justice. Those concerns do not undermine a commitment to legal pluralism because the rule of law does not exist equally when the rights of indigenous women and girls are undermined.

37. Participants expressed grave concerns about cases of missing women and the struggle of families and friends to report missing indigenous women when no evidence of their disappearance exists, other than the fact that they have not returned home. Participants heard about the impact of poverty on indigenous communities and how those women, having no opportunities in their communities, move to the city to work but end up working in prostitution, rendering them at high risk of experiencing violence.[4]

Anti-violence strategies

38. Participants heard that violence leads to the view that indigenous women are victims, but it is also important to view indigenous women and girls as active subjects and bearers of rights who conceive of and develop appropriate responses in order to combat violence. This is central to the realization of the right to self-determination of indigenous women and girls.

39. Measures to combat violence against indigenous women and girls should be holistic, involving indigenous men and women, victims and perpetrators. In her report to the General Assembly in October 2011, the Special Rapporteur on violence against women, Rashida Manjoo, emphasized a holistic approach to combating violence against women that involved (a) considering human rights to be universal, interdependent and indivisible; (b) understanding violence against women to be within a continuum that spanned interpersonal and structural violence; (c) acknowledging the structural aspects and factors of discrimination, including

[4] See Native Women's Association of Canada, "Small steps on a long journey", paper submitted at the international expert group meeting on the theme "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples", New York, January 2012.

structural and institutional inequalities; and (d) examining social or economic hierarchies between women and men and also among women (see A/66/215). An effective way of addressing violence is to encourage and train men and male leadership so that there is male advocacy for women's and children's human rights.

40. Culture is always evolving, and it was important to be vigilant against cultural practices and beliefs that oppress women and contribute to violence. It is important to support and encourage systems and customs that support the rights of indigenous women and girls. It is also important to consider how States and indigenous communities can work together to devise ways to balance the laws and policies to support culturally appropriate indigenous anti-violent work.

41. State courts, judicial and law enforcement officials should have gender training as well as training regarding the specific concerns and circumstances of indigenous women, as provided by indigenous women. In addition, customary courts and tribal courts should be encouraged and supported to advocate effectively on behalf of indigenous women and girls, in particular, with regard to protection from all forms of violence. Moreover, indigenous women should be involved in the operations of the customary and tribal courts.

42. In cases where traditional indigenous legal and governance systems recognize the rights of indigenous women based on their own traditional laws and cultures, their ability to enforce and implement these laws, and, in particular to protect indigenous women and girls from all forms of violence, should be respected and not undermined by colonial or State judicial, court or law enforcement systems, in accordance with articles 3, 4 and 5 of the United Nations Declaration on the Rights of Indigenous Peoples.

43. Participants noted that anti-violence strategies must be underpinned by a harmonization between domestic laws and international laws that recognize and protect indigenous women and girls.

44. Participants concluded that there are a number of examples of best practices, emerging practices and lessons learned in indigenous communities for dealing with violence. Those approaches include awareness-raising and networking projects aimed at educating indigenous women on their rights as well as building the capacity of women to advocate their rights towards institutions such as customary institutions. Successful measures have also included capacity-building programmes targeted at advocacy for indigenous men and community leadership that enlists indigenous men in the tackling of that issue. Programmes aimed at equipping indigenous women with skills such as facilitation, lobbying, networking, leadership and advocacy skills are needed in order to write reports on issues such as domestic violence and kidnapping. Such skills have engendered a sense of empowerment among indigenous women. There are many community-based examples of anti-violence strategies that have been successful in breaking the cycle of silence with regard to the problem of violence against indigenous women and girls.

B. Recommendations

45. The following recommendations to indigenous peoples were developed by the experts in the context of the expert group meeting and the discussions on ways indigenous communities can better deal with violence against indigenous women

and girls. These recommendations are made in the context and spirit of article 3 of the United Nations Declaration on the Rights of Indigenous Peoples and the right of indigenous peoples to self-determination, and acknowledge that it is communities themselves that are best equipped to devise solutions to the concrete and contextual problems in their own communities.

Indigenous peoples

46. The experts call upon indigenous communities, including indigenous leaders and indigenous institutions, to seriously consider the problem of violence against women and girls in their communities. This should become an inseparable part of the communities' discourse on indigenous human rights advocacy because implementing indigenous self-determination requires the recognition and dismantling of existing patriarchal social relations, eliminating discriminatory policies and the continuous commitment to indigenous women's rights in all indigenous institutions and at all levels.

47. The experts recommend that indigenous communities, indigenous organizations and institutions implement the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) as a framework for advancing their rights, developing and strengthening policy and decision-making frameworks or developing their own constitutions, which are needed to uphold and guarantee indigenous women's rights, as well as eliminate discriminatory policies or structures aimed at indigenous women at the community, local or national and international levels.

48. Indigenous communities, indigenous peoples, indigenous organizations, indigenous nations and indigenous institutions need to promote healthy discussion and debate between men and women, boys and girls, and youth and elders on violence against indigenous women and girls by promoting forums for dialogue between indigenous men and women in order to identify any traditional and cultural practices and activities that may violate the rights of indigenous women and girls and agree on ways to eliminate these practices. These forums should also be used to reinforce and strengthen the protection of indigenous women and girls.

49. Indigenous communities and indigenous institutions should promote knowledge and information for indigenous men and women on the rights of women and girls and the need to protect, preserve and promote these rights through civic education. Community awareness should also be encouraged through workshops, seminars and international forums. Indigenous men and indigenous male leaders should be trained to take a leadership role in these issues jointly with women.

50. Indigenous communities, indigenous peoples, indigenous organizations, indigenous nations and indigenous institutions should ensure the full participation of indigenous women at all levels of decision-making in conflict prevention, management and resolution, as well as in post-conflict and post-natural disaster reconstruction and peacebuilding processes, including, for example, the setting of gender quotas for all peace processes.

51. Indigenous communities should consider creating and supporting initiatives to monitor and assess the situation of violence against indigenous women and girls and present regular reports to the Permanent Forum on violence against indigenous women and girls. These documents and studies should be made by indigenous women themselves.

52. Indigenous women should submit information about specific cases of alleged human rights violations against indigenous women and girls, their causes and consequences to the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on violence against women. Indigenous women should be encouraged to submit complaints to treaty bodies, including the Committee on the Rights of the Child, and issue shadow reports and submit them to the universal periodic review of the Human Rights Council.

States

53. The experts call upon States to strengthen the legal frameworks on the rights of women under the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the United Nations Declaration on the Rights of Indigenous Peoples and the Convention of Belém do Pará, particularly as they relate to indigenous women, as well as to strengthen related policies that address violence against indigenous women and girls. States should also support information and education campaigns on violence against indigenous women and human rights as well as build the capacity of relevant Government agencies and institutions, including judicial bodies, law enforcement agencies and women- and service-related institutions, and establish specialized bodies at the national and/or subnational levels to specifically address the conditions of indigenous women with the full and effective participation of indigenous women. States should allocate adequate, long-term funding to support these initiatives.

54. The experts call upon States to work with indigenous peoples to train the judiciary and judicial administrators, civil servants and health-care professionals on the prevention of violence and discrimination against indigenous women, including international standards on indigenous peoples' rights at all levels and sensitivity towards indigenous women's issues.

55. It is recommended that United Nations agencies, bodies and other entities support the development of protocol templates for police practices involving missing persons cases of indigenous women and girls. It is also recommended that indigenous peoples and States work in partnership to implement these protocol templates to increase their effectiveness and to be consistent with international human rights laws, norms and standards.

56. States should fund indigenous and non-indigenous media as an important conduit for public opinion and influencer of societal attitudes. This funding should train indigenous and other journalists to report on violence against women in a gender- and indigenous-sensitive manner to help dispel myths and taboos and create awareness of the issue of violence against women in indigenous communities.

57. States should implement and strengthen national censuses and data collection on socio-economic and well-being indicators to include data disaggregation in relation to violence against indigenous women and girls.

58. States and United Nations agencies should strengthen disaggregated data collection on indigenous migration, including indigenous children and youth, to rural areas, border regions and urban centres with regard to human rights violations against indigenous women and girls.

59. States and United Nations agencies should ensure disaggregation of data and studies on the impact of environmental toxins and persistent organic pollutants on the health of indigenous women and girls and youth.

60. States must implement human rights standards and obligations regarding indigenous women and girls when considering strategies for gender mainstreaming and gender perspectives in order to ensure the inclusion of human rights for indigenous women and girls.

61. States must ensure that indigenous women's organizations have the support, recognition and resources to strengthen and develop their economic, social and political empowerment and peacebuilding efforts, especially among vulnerable groups such as indigenous female-headed households, widows, orphans, persons with disabilities and survivors of gender-based violence, including sexual violence, and natural disasters. States must take measures that support local women's peace initiatives and indigenous processes for conflict resolution, and involve women in all implementation mechanisms of peace agreements.

62. States and indigenous communities should jointly find ways to balance the laws and policies in dealing with violence against indigenous women and girls and ensure that there are resources for community-based initiatives, including customary or tribal courts, in indigenous communities so that they can deal with these issues. This includes States working in full collaboration with indigenous communities to improve the ways in which States respond to complaints about violence against indigenous women and girls, including how they respond to cases of missing women and girls.

63. States, in conjunction with indigenous peoples, should facilitate the creation of a forum for dialogue, collaboration and cooperation in which there are overlapping jurisdictions for addressing violence against indigenous women and girls on and off indigenous territories, explore how complicated jurisdictional schemes may unjustly discriminate against indigenous women and progressively document how issues should be resolved in accordance with article 27 of the United Nations Declaration on the Rights of Indigenous Peoples.

64. States should facilitate and provide support for the development of indigenous women's community-based anti-violence strategies, rather than imposing strategies that do not reflect the values and knowledge of particular indigenous communities. This should involve support for the education of young people, the re-examination of traditions and challenging values and notions of masculinity based on aggression and control and the development of skills to resolve conflict in a non-violent manner.

65. States should invite the Special Rapporteur on the rights of indigenous peoples and other relevant special rapporteurs to investigate the effects of the alarming and increasing involvement of indigenous children and youth in criminal gangs, drug trafficking, suicide and sexual exploitation, including the disproportionate representation of indigenous youth in prisons.

66. States must develop and support, in consultation and with free, prior and informed consent with indigenous communities, training programmes to inform indigenous women of opportunities for their political participation locally, nationally and internationally, and to build the political capacity of indigenous women so that they can participate fully and effectively in decision-making at all levels.

67. States should ensure that the impact of militarization upon indigenous women and girls be included in reports and national statistics. States should ensure legal training and counselling and financial and psychological support for indigenous women and girls at risk in militarized countries, lands and communities.

68. States should implement Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010). It is recommended that States take appropriate measures to enact a zero-tolerance policy on violence against indigenous women and girls in times of conflict, and measures to end impunity, especially with regard to grave incidents of rape against indigenous women and girls committed by members of military, paramilitary and settler groups. This includes legislation, awareness-raising and training of military personnel, police and the judiciary. Moreover, Governments, military and non-State armed groups and all others concerned should be educated to understand that rape used as a weapon of war constitutes a crime against humanity, punishable under the Rome Statute of the International Criminal Court.

69. States should take appropriate measures to protect internally displaced women on the occasions of natural disasters.

70. States should ensure that adequate health-care screening is provided to indigenous communities living on lands used for development and military purposes. This will ensure early detection of illnesses that could affect indigenous communities as a result of activities relating to development and military use. Funding should be provided for the cleanup of ecological contamination at military bases and the clearing of land mines in conjunction with indigenous peoples. Health care must be provided to indigenous women and girls affected by these activities.

71. States should ensure that victims of military violence are protected so that they can overcome their fear of prosecuting and bring their perpetrators to justice.

72. States should establish and make available age-appropriate facilities to support indigenous women and girls affected by violence, including the provision of legal aid, psychological and social protection and witness protection when needed.

73. States should develop a robust monitoring and evaluation framework to measure the impact of policies and programmes targeted at the eradication of violence against indigenous women and girls.

United Nations

74. The experts encourage greater coordination among United Nations agencies, including with States and indigenous peoples, on the issue of violence against indigenous women and girls and the implementation of inter-agency programmes on these issues at regional, national and international levels.

75. The experts recommend that the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) work specifically on the situation

and rights of indigenous women and girls, particularly in regard to its efforts to promote women's economic empowerment and combat violence against indigenous women and girls in accordance with the recommendation of the Permanent Forum on Indigenous Issues at its tenth session (see E/2011/43, para. 107).

76. The experts recommend that the relevant United Nations agencies consider training the members of peacekeeping and peacebuilding operations, including the operations of human rights staff, on the prevention of violence and discrimination against indigenous women and girls and on the international standards on indigenous peoples' rights.

77. The experts recommend that the Permanent Forum on Indigenous Issues and relevant United Nations agencies compile a database of best practices on measures to combat violence and all forms of discrimination against indigenous women and girls, including successful and emerging indigenous community-based initiatives.

78. States and United Nations agencies, funds and programmes should develop specific strategies and policies that promote and protect the rights of indigenous women and girls in the area of violence with the full and effective participation of indigenous women and girls. This should include, but is not limited to:

(a) Research and studies on the situation of indigenous women's and girls' experiences, good practices and lessons learned, including examples of best practices that are community driven or have employed traditional models and strategies and have been independently evaluated as being effective in reducing violence;[5]

(b) Empower indigenous women through appropriate capacity-building and education and advocacy activities;

(c) Facilitate and support the establishment of and work with indigenous women's groups and networks at the national level as well as the provision of legal and other appropriate services to indigenous women who are victims of violence, and support the travel and related budgets for indigenous women's effective participation in regional and international processes, relevant conferences and workshops;

(d) Data collection supported by agencies;

(e) Financial support for programmes on combating violence against indigenous women and girls;

(f) The establishment of a trust fund by UN-Women specifically for programmes targeted at indigenous women and especially female victims of violence.

79. Owing to the lack of data and statistics on violence against indigenous women and girls in many regions, such as Africa, Asia, Latin America, the South Pacific and the Arctic, it is recommended that the Expert Mechanism on the Rights of Indigenous Peoples conduct a thematic study, in collaboration with indigenous women's organizations and indigenous peoples' institutions, on human rights violations against indigenous women and girls.

[5] See *Indigenous Women and the United Nations System: Good Practices and Lessons Learned* (United Nations publication, Sales No. E.06.I.9).

80. Relevant United Nations agencies should help to implement, together with States, the right to adequate and affordable housing for indigenous women and girls where there is an urgent need for appropriate and safe housing so that indigenous women and girls can live in dignity, strengthen indigenous family systems, improve economic possibilities and support cultural development. This includes the support for and provision of shelters for indigenous women and girls escaping violence.

81. The experts urge all relevant United Nations agencies to monitor violence against indigenous women and children with regard to migration and immigration policies and transborder movements and to raise awareness about indigenous peoples' migration, highlighting in particular the situation of indigenous children and youth.

82. The experts recommend that the study of the Special Rapporteur on the rights of indigenous peoples regarding extractive industries operating within or near indigenous territories and the study of the Expert Mechanism on the Rights of Indigenous Peoples regarding the right to participate in decision-making of indigenous peoples in relation to extractive industries incorporate the special perspective of indigenous women and the normative and operational framework of free, prior and informed consent.

83. The experts recommend that the ongoing study being supported by the International Labour Organization, the United Nations Children's Fund, the United Nations Population Fund, UN-Women and the World Health Organization on violence against indigenous girls and youth be completed and presented to the Permanent Forum on Indigenous Issues at its eleventh session in May 2012 and that the above-mentioned agencies develop a concrete plan for the full implementation of its recommendations.

84. The experts recommend to the United Nations agencies that they support the initiatives of indigenous women's organizations and networks with the purpose of monitoring the recommendations of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Permanent Forum and others at the national level. In the same way, they support the processes of companion reports developed by indigenous women's organizations.

85. The experts recommend that the campaign of the Secretary-General to end violence against women should include a line of work focused specifically on violence against indigenous women designed in consultation with the participation of indigenous women's organizations.

86. The experts recommend that the report of the Secretary-General on the implementation of the Convention on the Rights of the Child focus specific attention on indigenous children, including indigenous girls. The experts encourage indigenous peoples to contribute information to this report to ensure that resolutions coming from the General Assembly will be relevant for indigenous children and to consider submitting an indigenous companion report on indigenous children, including indigenous girls, to be reflected in the report of the Secretary-General. Such a companion report on indigenous children should feed into the work of the world conference on indigenous peoples.

87. The experts call upon the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the United

Nations Office on Drugs and Crime and the Commission on Narcotic Drugs to undertake studies jointly with indigenous peoples to examine how their policies and programmes are affecting indigenous women and girls and to make recommendations on how to address them.

88. In light of the fact that the few indigenous women from Africa who have been able to participate effectively in international and regional forums have created visibility for African indigenous women, United Nations agencies should support their greater participation, as there is still need for their full and effective participation at forums that address violence against women such as the Commission on the Status of Women and also the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women in order to ensure that all mechanisms and treaty bodies allow the participation of indigenous peoples, especially indigenous women and girls.

Annex I

Agenda and programme of work

Date/time	*Item/Programme*	
Wednesday, 18 January 2012		
10-10.30 a.m.		Opening of the workshop by the Chair, secretariat of the Permanent Forum on Indigenous Issues
	Item 1	Election of Chair and Rapporteur
	Item 2	Adoption of agenda and organization of work
10.30 a.m.-1 p.m.		**Theme 1: Addressing violence against indigenous women and girls as a human rights issue** Analysis of human rights international standards that could be applied to advancing the rights of indigenous women and girls (including the United Nations Declaration on the Rights of Indigenous Peoples, International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), case law and comments of the International Convention on the Elimination of All Forms of Racial Discrimination and the Beijing Platform for Action. Analysis of how the needs and goals of indigenous women and girls may differ from the needs and goals of non-indigenous women and girls. *Opening statement and presentations* Professor James Anaya Members of the Permanent Forum Rauna Kuokkanen Terri Henry
3-6 p.m.		**Theme 2: Contextualizing violence** Highlight existing institutional structures that contribute to economic violence against indigenous women and girls. Outline how violence against indigenous women and girls is enacted through State policies and practices.

Date/time	*Item/Programme*
	Outline how corporate practices on indigenous lands and territories inflict violence against indigenous women and girls. Outline examples of good practices that could help safeguard the rights of indigenous women and girls to economic survival. *Presentations* Victoria Tauli-Corpuz Andrea Carmen and Viola Waghiyi
Thursday, 19 January 2012	
10 a.m.-1 p.m.	**Theme 3: Manifestations of violence** Violence against indigenous women and girls in the name of traditional and cultural practices. Violence against indigenous women and girls through armed conflict and militarization. Violence against indigenous women and girls through migration and displacement. Placing indigenous women and girls at risk through State violence and domestic violence. *Presentations* Guadalupe Martinez Perez Sangeeta Lama Teresa Zapeta
3-6 p.m.	**Theme 4: Issues of jurisdiction and policing** Provide an overview of the problems associated with different jurisdictional authorities of policing. Highlight the persistent barriers to reporting violence such as delays and failure to respond to complaints and inadequate and inappropriate policing. Highlight the persistent barriers to prosecution of perpetrators at the local, state and federal levels and discrimination in state and federal prosecutions. Outline examples of restorative justice. *Presentations* Edwina Kotoisuva Otilia Lux de Coti Vital Bambaze

Date/time	*Item/Programme*	
Friday, 20 January 2012		
10 a.m.-1 p.m.		**Theme 5: Anti-violence strategies** Highlight examples of indigenous women's community-based anti-violence strategies. Highlight ways to develop indicators and improve data-collection methods in order to measure violence against indigenous women and girls. Highlight measures to incorporate human rights into anti-violence programmes and projects. Highlight measures to strengthen indigenous women's and girls' advocacy and leadership skills. *Presentations* Valeriya Savran Maria Teresa Duque Jeanette Corbiere Lavell and Irene Goodwin
3-6 p.m.	Item 8	Adoption of the conclusions and recommendations

Annex II

List of participants

Members of the Permanent Forum on Indigenous Issues

Myrna Cunningham Kain

Megan Davis

Helen Kaljulate

Bertie Xavier

Invited experts

Professor James Anaya (Special Rapporteur on the rights of indigenous peoples)

Vital Bambanze (Chair, Expert Mechanism on the Rights of Indigenous Peoples)

Rauna Kuokkanen (Arctic)

Edwina Kotoisuva (Pacific)

Guadalupe Martinez Perez (Central and South America and the Caribbean)

Valeriya Savran (Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia)

Sangeeta Lama (Asia)

Terri Henry (North America)

United Nations system

United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

United Nations Population Fund

United Nations Children's Fund

Millennium Development Goal Fund

United Nations Development Programme

United Nations Educational, Scientific and Cultural Organization

Office of the Special Representative of the Secretary-General on Violence against Children

Office of the United Nations High Commissioner for Human Rights

World Health Organization

Food and Agriculture Organization of the United Nations

Non-governmental organizations

International Indigenous Women's Forum

Native Women's Association of Canada

International Work Group for Indigenous Affairs

Baha'i International Community

Andes Chinchasuyu Organization

Assembly of First Nations

International Indian Treaty Council

Lenca People

Rambhau Mhalgi Prabhodini

Tribal Link Foundation

Tewa Women United

Columbia University

States

Argentina

Bangladesh

Belize

Bolivia (Plurinational State of)

Canada

Ecuador

Egypt

El Salvador

Finland

Germany

Guatemala

Honduras

India

Israel

Italy

Mexico

New Zealand

Saudi Arabia

Spain

Russian Federation

United States of America

Annex III

List of documents

Concept note for the international expert group meeting on the theme "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples".

Programme of work for the international expert group meeting on the theme "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples".

Paper submitted by Rauna Kuokkanen

Paper submitted by Terri Henry

Paper submitted by Guadalupe Martinez Perez

Paper submitted by Sangeeta Lama

Paper submitted by Edwina Kotoisuva

Paper submitted by Mary Simat

All the reports, including other documents submitted during the meeting, can be found on the website of the secretariat of the Permanent Forum on Indigenous Issues (http://social.un.org/index/IndigenousPeoples/MeetingsandWorkshops/2012.aspx).